



*New rules now govern off-trail travel within North Dakota's national grasslands. While this vehicle is appropriately winding its way down an established trail, it is no longer acceptable, with a few exceptions, to turn off the road and drive across the prairie.*

# New Rules Off the Road

## National Grasslands Have New Travel Regulations

Story and Photos by Craig Bihrlé

Under the old rules, curious sight-seers, back-country campers and successful hunters who wanted to retrieve their deer could simply turn off a trail within North Dakota's national grasslands and bump along as the untraveled terrain permitted. Such unmanaged recreational travel, with few exceptions, is no longer possible.

A new policy in place since July 1 allows motorized vehicle travel on existing roads and trails only. This new policy, called the Bureau of Land Management and Forest Service Off-Highway Vehicle Project, applies to all Forest Service public land in North Dakota. This land is contained in the Little Missouri, Sheyenne and Cedar River national grasslands, and involves more than 1.1 million acres.

The BLM had not implemented the new rule on its land as of press time (August 1). When it does, it will include more than 70,000 acres in North Dakota. When fully in place, the OHV Project will include about 15 million of the 25 million acres the Forest Service and BLM manage in South Dakota and Montana.

Restricting motorized vehicle travel to existing roads and trails only is designed to reduce adverse impacts to wildlife habitat, potential for scaring or harassing wildlife, spread of noxious weeds, erosion, damage of cultural sites, and conflicts between users, according to the Forest Service. "The new policy will protect fragile soils, riparian areas, vegetation and the wildlife species that live in these forest and grassland areas," USFS northern region acting regional forester Kathleen McAllister said in a June 18 news release.

The OHV Project applies to most motorized vehicles, including motorcycles, three- and four-wheeled all-terrain vehicles, cars, pickups and sport utility vehicles. The OHV Project does not address snowmobiles, which people may still drive on the national grasslands without restriction.

The new rule inhibits travel by nearly everyone accustomed to driving off-trail on the public land portion of North Dakota's badlands. One widely affected user group is big game hunters – those hunting mule and white-tailed deer, antelope, elk and bighorn sheep. While all big game hunters know that driving off-trail on any public or private land is not legal while hunting, driving off-trail to retrieve downed big game is allowed on private or public land when permitted by the landowner or management agency.

With the new OHV rules, big game hunters may not drive off-trail to retrieve animals on Forest Service land in North Dakota. The same will hold true on BLM land when that agency puts the rule into effect. This new designation is consistent with off-trail restrictions already in place on most other types of public land in the state.

People hunting upland game such as sharp-tailed grouse, are not permitted to drive off-trail anywhere under state law, so the new rules do not further restrict upland game hunters. People who hunt coyotes or prairie dogs can no longer drive off-trail to hunt on the national grasslands.

Since deer and antelope bow seasons begin August 31, hunters who typically travel to the badlands early in the season will encounter the new travel plan.

People who camp in the grasslands,

whether hunters or summer recreation seekers, may drive off existing trails up to 100 yards after locating a campsite "in a non-motorized fashion," according to the USFS. Driving 100 yards off-trail, without an established campsite, is not allowed.

People looking to explore the badlands on ATVs, motorcycles or other vehicles will simply have to stay on trails as long as they are on their machines.

Even U.S. Forest Service and BLM employees on duty will have to observe the OHV restriction except under special circumstances. "The Forest Service will need to do things differently. We are determined to set the example in making these changes," said acting grassland supervisor Lesley Thompson.

In addition to snowmobiles, the OHV rules do not apply to lease and permit holders for Forest Service or BLM land while they are engaged in activities associated with their permit, such as grazing permit holders moving cattle or salt. Military needs, fire suppression, search and rescue and law enforcement emergencies, and people who purchase permits for firewood or Christmas tree cutting are also exempt from the new restrictions.

---

*In early July, campers and other recreation seekers started seeing these signs along a few roads leading into the national grasslands. By late August, most access roads will feature signs that remind hunters of new off-highway vehicle regulations.*



### Getting the Word Out

Since late June, U.S. Forest Service employees have been busy setting up signs to let people know about the new management scheme. "Forest Service personnel will monitor compliance, but for the next couple of years the majority

*Two-track trails such as this, which exhibit obvious depressed wheel tracks, are considered existing trails and available for travel, as long as the vehicle is not wider than the track.*

of our efforts will be focused on educating and informing people about the new rule,” according to Steve Williams, assistant grassland supervisor at the Forest Service’s Dakota Prairie Grasslands office in Bismarck.

Helping people determine what is and isn’t an existing road or trail may be the greatest challenge. A two-track trail with bare dirt in the wheel tracks and grass in the middle is an obvious existing trail.

Some other guidelines highlighted in the “Driving Cross-Country – OHV” brochure produced by the Forest Service include:

- Vehicles may travel on existing routes where plants grow in obvious wheel depressions. Vegetation flattened or disturbed by a single vehicle passage is not an existing trail.

- ATVs may drive within a two-track road or trail, if the road is wider than the vehicle.

- Vehicles of any kind may not drive on two-track trails that are narrower than the vehicle.

*Example: Full-sized pickups aren’t allowed on trails previously established by ATVs.*

- Game and livestock trails are not suitable pathways for motorcycles.

- Established motorcycle trails are not suitable for four-wheeled types of vehicles.

A complete copy of the OHV brochure is available online at [www.mt.blm.gov/ea/ohv/FSbrochure.pdf](http://www.mt.blm.gov/ea/ohv/FSbrochure.pdf); or at the Dakota Prairie Grasslands office, 240 West Century, Bismarck, ND 58503; 701-250-4443.

“The Forest Service has over 2,500 miles of inventoried roads (in the national grasslands),” Williams said, “and the definition of a road in this document allows motorized

travel on many more roads and trails than we have inventoried.”

## Off-Road Travel on Other Public Land

North Dakota has a variety of public land, most of which is managed by state or federal government agencies. New U.S. Forest Service rules that eliminate unrestricted travel away from existing roads and trails are largely consistent with other public land.

Following are most of the major public land types in North Dakota, and their travel management policies.

### **N.D. Game and Fish Wildlife Management Areas**

No public motorized travel off established roads and trails for any purpose, including game retrieval.

### **U.S. Fish and Wildlife Service Waterfowl Production Areas**

No vehicle travel except on designated routes on a few areas.

### **U.S. Fish and Wildlife Service National Wildlife Refuges**

No vehicle travel except on designated routes.

### **U.S. Fish and Wildlife Service Wildlife Development Lands**

No vehicle travel except on designated routes.

### **U.S. Bureau of Reclamation Lands**

No vehicle travel except on designated routes.

### **North Dakota State Forest Land**

Vehicles restricted to established trails; off-trail travel to retrieve big game is allowed.

### **N.D. State School Land**

No public motorized vehicle travel for any purpose. Existing trails within state school land are for designated management purposes only.

## Game and Fish Comments

The Game and Fish Department supports the concept of managed off-road travel in the national grasslands, and provided written comments during the Forest Service’s public comment period on the proposed rules. While supporting the concept, the Department suggested the Forest Service also include snowmobiles with the other restricted motorized vehicles.

Game and Fish did not favor restrictions on retrieving downed big game.

While the final rules did not include snowmobiles, Game and Fish officials continue to support measures to minimize environmental damage from motor vehicle use on public lands. While the new law may take some time to absorb, the state’s natural resources, and likely the badlands hunting experience, will benefit in the long run.

**CRAIG BIHRLE** is the Game and Fish Department’s communications supervisor.